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No.: ICC-02/05-01/20
Date: 2 November 2020

PRE-TRIAL CHAMBER II

Before: Judge Rosario Salvatore Aitala, Single Judge

SITUATION IN DARFUR, SUDAN

**IN THE CASE OF
THE PROSECUTOR *v.*
ALI MUHAMMAD ALI ABD-AL-RAHMAN (“ALI KUSHAYB”)**

**Public
with Confidential Annexes A-D**

Prosecution’s notification of the disclosure of evidence on 30 October 2020

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

The Office of the Prosecutor

Mr James Stewart

Mr Julian Nicholls

Counsel for the Defence

Mr Cyril Laucci

Legal Representatives of the Victims

Legal Representatives of the Applicants

Unrepresented Victims

**Unrepresented Applicants
(Participation/Reparation)**

**The Office of Public Counsel for
Victims**

**The Office of Public Counsel for the
Defence**

Mr Xavier-Jean Keïta

States Representatives

Amicus Curiae

REGISTRY

Registrar

Mr Peter Lewis

Counsel Support Section

Victims and Witnesses Unit

Detention Section

**Victims Participation and Reparations
Section**

Other

I. INTRODUCTION

1. The Prosecution submits to the Single Judge Rosario Salvatore Aitala (“Single Judge”), acting for Pre-Trial Chamber II, this notification of the disclosure of evidence pursuant to article 61(3)(b) of the Rome Statute, and rule 77 of the Rules of Procedure and Evidence.

II. CLASSIFICATION

2. This filing is classified as public with confidential Annexes A-D. The Prosecution classifies Annexes A-D as confidential since they relate to *inter partes* disclosure.

III. SUBMISSIONS

3. On 30 October 2020, the Prosecution disclosed to the Defence 185 items (2,333 pages). The disclosed items are in the following packages:

- Pre-Confirmation INCRIM package 5: contains 92 items (656 pages);
- Pre-Confirmation INCRIM package 6: contains 6 video files (12 pages);
- Pre-Confirmation INCRIM package 7: contains 81 items (1,618 pages);
- Pre-Confirmation Rule 77 package 10: contains 6 items including 3 video files (47 pages).

4. The Prosecution informs the Single Judge that the items in the Pre-Confirmation INCRIM package 5 are related to 9 Prosecution witnesses whose evidence was cited in the first and second Arrest Warrant applications “Applications”.¹ The items in the remaining packages were either cited in the Applications or are the transcripts or translations of such items.

5. In addition, as requested by the Chamber, the Prosecution re-issued the “Disclosure Notes” field for 47 items which were previously disclosed in the Pre-

¹ ICC-02/05-56 and ICC-02/05-01/20-6-Red2.

Confirmation INCRIM package 4.² The Prosecution also reclassified the legal characterization as INCRIM of 3 items³ which were previously disclosed as Rule 77. The updated metadata fields of these 50 items were submitted to the Registry on the same day.

6. With respect to the applied redactions, they fall under the “standard categories” according to the procedure for exceptions to disclosure in the form of redaction of information adopted by the Single Judge on 17 August 2020.⁴



James Stewart
Deputy Prosecutor

Dated this 2nd day of November 2020

At The Hague, The Netherlands

² These items were disclosed to the Defence on 15 October 2020.

³ DAR-OTP-0027-0271 was disclosed in the Pre-Confirmation Rule 77 package 5. DAR-OTP-0043-0023 and DAR-OTP-0044-0101 were disclosed in the Pre-Confirmation Rule 77 package 6.

⁴ ICC-02/05-01/20-116, para. 12.